

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LAURA HOFFMAN, et al., Plaintiffs, vs. MICHAEL O'MALLEY, et al., Defendants.	Case No. 1:18-CV-00309 Judge Christopher A. Boyko Plaintiffs' Motion for Extension of Deadline for Submitting Expert Reports
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On September 9, 2019, Defendants filed three separate motions seeking summary judgment of Plaintiffs' claims, which Plaintiffs opposed on October 14, 2019. While Plaintiffs are confident that Defendants are not entitled to summary judgment on any of the pending claims against them in this lawsuit (as set forth in detail in Plaintiffs' opposition briefs) the Court's ruling on these motions will necessarily define the scope and extent of expert opinion necessary for Plaintiffs' claims. If the current February 5, 2020 deadline for Plaintiffs' expert reports is not extended, Plaintiffs risk expending substantial resources on expert reports for claims that might not remain in this action after the Court rules on summary judgment.

Thus, Plaintiffs hereby move under Fed. R. Civ. P. 6(b)(1)(A) for an order permitting Plaintiffs to file any expert reports within thirty days of the Court's ruling on Defendants' motions seeking summary judgment.

Fed. R. Civ. P. 6(b)(1)(A) provides that "the court may, for good cause extend the time with or without a motion or notice if the court acts, or if a request is made, before the original time or its extension expires ..." Under the plain language of Fed. R. Civ. P. 1, the court should use its "power to enlarge time under Fed. R. Civ. P. 6(b)" in order "to achieve 'the just, speedy, and inexpensive determination of every action' as required by Fed. R. Civ. P. 1." *U.S. v. One Hundred Thirty-Seven Draw*

Poker-Type Machines, 606 F.Supp. 747, 756, note 15, citing Wright & A. Miller, FEDERAL PRACTICE AND PROCEDURE, § 1165 (1969 & Supp. 1983) (N.D.Ohio 1984). *See also Haggard v. Stevens*, S.D.Ohio No. 2:09-cv-1144, 2010 U.S. Dist. LEXIS 35245, at *2-3 (Mar. 16, 2010) (“[T]he Court’s discretion is to be exercised in light of Rule 1’s admonition to further the just, speedy, and inexpensive determination of each case before the court.”); and *Green v. Stokely Foods, Inc.*, 8 F.R.D. 114, 115 (E.D.Ill.1948) (“The construction of [Rule 6(b)(1)(A)] should accord with the provisions of Rule 1, that the Rules of Civil Procedure shall be construed ‘to secure the just, speedy, and inexpensive determination of every action.’”).

Plaintiffs would of course not object to a commensurate extension of Defendants’ expert report deadline, have requested this extension in good faith and not for delay or any other improper purpose, and the requested extension will not unfairly prejudice anyone.

For these reasons, Plaintiffs respectfully request that the Court issue an order under Fed. R. Civ. P. 6(b)(1)(A) permitting Plaintiffs to file any expert reports within thirty days of the Court’s ruling on summary judgment.

Respectfully submitted,

/s/ Peter Pattakos

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Certificate of Service

The foregoing document was filed on January 10, 2019, using the Court's e-filing system, which will serve copies on all necessary parties.

/s/ Peter Pattakos
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